

Commodity Credit Corporation, USDA

§ 1468.35

that have prevented compliance with the contract.

(4) The participant may voluntarily terminate a contract without penalty, if CCC determines that such termination would be in the public interest.

Subpart C—General Administration

§ 1468.30 Appeals.

(a) An applicant or participant may obtain administrative review of an adverse decision made with respect to this part and the CFO contract in accordance with parts 11 and 614 of this title, except as provided in paragraph (b) of this section.

(b) The following decisions are not appealable:

- (1) CCC funding allocations;
- (2) Eligible conservation practices;
- (3) Payment rates, and cost-share percentages;
- (4) Science-based formulas and factor values;
- (5) Soils mapping and information; and
- (6) Other matters of general applicability.

§ 1468.31 Compliance with regulatory measures.

Participants who carry out conservation practices shall be responsible for obtaining the authorities, rights, easements, permits, or other approvals necessary for the implementation, operation, and maintenance of the conservation practices in keeping with applicable laws and regulations. Participants shall be responsible for compliance with all laws and for all effects or actions resulting from the participant's performance under the contract.

§ 1468.32 Access to operating unit.

Any authorized CCC representative shall have the right to enter an operating unit or tract for the purpose of ascertaining the accuracy of any representations made in a contract or in anticipation of entering a contract, or as to the performance of the terms and conditions of the contract. Access shall include the right to provide technical assistance and inspect any work undertaken under the contract. The CCC representative shall make a reasonable ef-

fort to contact the participant prior to the exercise of this right to access.

§ 1468.33 Performance based upon advice or action of representatives of CCC.

If a participant relied upon the advice or action of any authorized representative of CCC, and did not know or have reason to know that the action or advice was improper or erroneous, the FSA county committee, in consultation with NRCS, may accept the advice or action as meeting the requirements of the program and may grant relief, to the extent it is deemed desirable, to provide a fair and equitable treatment because of the good-faith reliance on the part of the participant.

§ 1468.34 Offsets and assignments.

(a) Except as provided in paragraph (b) of this section, any payment or portion thereof to any participant shall be made without regard to questions of title under State law and without regard to any claim or lien against the crop, or proceeds thereof, in favor of the owner or any other creditor except agencies of the United States. The regulations governing offsets and withholdings found at part 1403 of this chapter shall apply to contract payments.

(b) Any participant entitled to any payment may assign any payments in accordance with regulations governing assignment of payment found at part 1404 of this chapter.

§ 1468.35 Misrepresentation and scheme or device.

(a) A participant who is determined to have erroneously represented any fact affecting a program determination made in accordance with this part shall not be entitled to contract payments and must refund to CCC all payments, plus interest determined in accordance with part 1403 of this chapter.

(b) An applicant or participant who is determined to have knowingly adopted any scheme or device that tends to defeat the purpose of the program; made any fraudulent representation; or misrepresented any fact affecting a program determination, shall refund to

Pt. 1470

7 CFR Ch. XIV (1–1–04 Edition)

CCC all payments, plus interest determined in accordance with part 1403 of this chapter, received by such applicant or participant with respect to CFO contracts.

PART 1470—APPLE MARKET LOSS ASSISTANCE PAYMENT PROGRAM

Subpart A—Apple Market Loss Payment Program

- Sec.
- 1470.1 Applicability.
 - 1470.2 Administration.
 - 1470.3 Definitions.
 - 1470.4 Time and method of application.
 - 1470.5 Eligibility.
 - 1470.6 Proof of production.
 - 1470.7 Availability of funds.
 - 1470.8 Applicant payment quantity.
 - 1470.9 Payment rate and apple operation payment.
 - 1470.10 Offsets.
 - 1470.11 Appeals.
 - 1470.12 Misrepresentation and scheme or device.
 - 1470.13 Estates, trusts, and minors.
 - 1470.14 Death, incompetency, or disappearance.
 - 1470.15 Maintaining records.
 - 1470.16 Refunds; joint and several liability.

Subpart B—Apple Market Loss Assistance Payment Program II

- 1470.101 Applicability.
- 1470.102 Administration.
- 1470.103 Definitions.
- 1470.104 Time and method of application.
- 1470.105 Eligibility.
- 1470.106 Proof of production.
- 1470.107 Availability of funds.
- 1470.108 Applicant payment quantity.
- 1470.109 Payment rate and apple operation payment.
- 1470.110 Offsets and withholdings.
- 1470.111 Assignments.
- 1470.112 Appeals.
- 1470.113 Misrepresentation and scheme or device.
- 1470.114 Estates, trusts, and minors.
- 1470.115 Death, incompetency, or disappearance.
- 1470.116 Maintenance and inspection of records.
- 1470.117 Refunds; joint and several liability.

Subpart C—Apple Market Loss Payment Program III

- 1470.201 Applicability.
- 1470.202 Administration.
- 1470.203 Definitions.
- 1470.204 Time and method of application.
- 1470.205 Eligibility.

- 1470.206 Proof of production.
- 1470.207 Availability of funds.
- 1470.208 Applicant payment quantity.
- 1470.209 Payment rate and apple operation payment.
- 1470.210 Offsets and withholdings.
- 1470.211 Assignments.
- 1470.212 Appeals.
- 1470.213 Misrepresentation and scheme or device.
- 1470.214 Estates, trusts, and minors.
- 1470.215 Death, incompetency, or disappearance.
- 1470.216 Maintenance and inspection of records.
- 1470.217 Refunds; joint and several liability.
- 1470.218 Violations of highly erodible land and wetland conservation provisions.

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Subpart A—Apple Market Loss Payment Program

§ 1470.1 Applicability.

(a) The regulations in this subpart are applicable to producers of 1998 and 1999 crop of apple production. These regulations set forth the terms and conditions under which the Commodity Credit Corporation (CCC) shall provide payments to apple producers who have applied to participate in the Apple Market Loss Assistance Payment Program in accordance with section 811 of Public Law 106–387. Additional terms and conditions may be set forth in the payment application that must be executed by participants to receive a market loss payment for apples.

(b) Payments shall be available only for apples produced and harvested in the United States.

§ 1470.2 Administration

(a) The Apple Market Loss Payment Program shall be administered under the general supervision of the Executive Vice President, CCC, or a designee, and shall be carried out in the field by State and county Farm Service Agency committees (State and county committees) and FSA employees.

(b) State and county committees, and representatives and employees thereof, do not have the authority to modify or